HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.11179 of 2006

Between:

Kudumula Bhagya Lakshmi & Another

….Petitioners

AND

Kudumula Venkata Rao and 4 others

…Respondents

:: **JUDGMENT** ::

Counsel for the Petitioners : Sri Mutha Srinivasa Rao

Counsel for Respondent No.1 : ----

Counsel for Respondent No.2 : ----

Counsel for Respondent Nos.3&4: Government Pleader for Law and Legislative Affairs

Counsel for Respondent No.5 : Mr.A.Rajasekhara Reddy (Asst. Solicitor General)

Dated 22/6/2006

PER G.V.SEETHAPATHY, J

This writ petition, purporting to be in public interest, has been filed for declaration that the Hindu Marriage Act, 1955, Hindu Succession Act, 1956 and Criminal Procedure Code pertaining to the maintenance of the petitioners are contrary to the Indian Constitution. The petitioners have also prayed for quashing of judicial and executive proceedings pending against them and to award maintenance @ Rs.10,000/- per month. Another prayer made in the writ petition is to declare that the second petitioner is a legitimate minor daughter of the first respondent belonging to the Valmiki community of Scheduled Tribe and to direct respondents 4 and 5 to issue such certificate.

The first petitioner claims to be the wife of the first respondent. According to her, while she was working in the Regional Office of the MMTC of India Limited, Visakhapatnam as Steno-typist, the first respondent who was her colleague in the office approached her with a proposal to marry and subsequently, on 25.10.1991, she married the first respondent according to the customs and usages of Valmiki community of Scheduled Tribes and their marriage was also registered before the Registrar of Marriages, Visakhapatnam and out of the said wedlock, she gave birth to a daughter/second petitioner on 27-07-1993. The first petitioner alleges that the first respondent looked after her properly for about one month after the marriage and thereafter started harassing her demanding dowry and was also beating her

brutally in drunken state and ultimately withdrew from the matrimonial life and absconded. She further alleges that she belonged to Relli community of Scheduled Caste and the first respondent belonged to Valmiki community of Scheduled Tribe and that on that score also, the first respondent was abusing her as belonging to a low caste. It is also averred in the writ petition that as her efforts to trace out the whereabouts of the first respondent became futile and having waited for about nine years for his return in vain, she filed O.P.No.236 of 2001 before Family Court, Visakhapatnam for dissolution of the marriage and the said petition was allowed by order dated 14.06.2002 dissolving the marriage dated 25-10-1991 by granting a decree of divorce.

The above facts could be culled out with considerable effort from the affidavit filed by the first petitioner in support of the writ petition. The averments in the said affidavit, to say the least, are incoherent and unintelligible from which nothing is discernable as to what exactly the grievance of the writ petitioners is and what specific relief the writ petitioners are seeking. The affidavit runs into about 18 pages and purports to be in public interest though nothing is stated as to how the general public is concerned with the matrimonial dispute between the first petitioner and the first respondent, which is purely a private individual dispute. The relief sought for in the writ petition is couched in such wide, vague and ambiguous terms that no Court can take cognizance of the same and grant such a relief. The petitioners seek a declaration that the Hindu Marriage Act, 1955, Hindu Succession Act, 1956 and Criminal Procedure Code are all unconstitutional. Which particular provision of the said enactments is offending which provision of the Constitution and in what manner and

how the petitioners' rights are affected thereby is not made clear in the affidavit.

As already mentioned, a reading of the petitioners' affidavit does not convey in clear terms the grievance of the petitioners or the relief sought for by them. The first petitioner admittedly obtained a decree of divorce against the first respondent. If the petitioners' intention is to claim any maintenance against the first respondent, they have to seek appropriate relief by filing necessary application before appropriate Forum. The petitioners have thus got an alternative remedy available under law. On that score also, the writ petition is not maintainable. The writ petition suffers from the defects of vagueness, incoherence and ambiguity and is clearly vexatious.

In the above circumstances, the writ petition is dismissed. No order as to costs.

G.V.SEETHAPATHY, J

G.S.SINGHVI, CJ

22.06.2006
RAR/svs

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

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WRIT PETITION NO.11179 of 2006

(Judgment of the Bench prepared by
Hon'ble Sri Justice G.V.Seethapathy)

Dated : .06.2006

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

P.D. Judgment
In
WRIT PETITION NO.11179 of 2006
(Judgment of the Bench prepared by
Hon'ble Sri Justice G.V.Seethapathy)

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The Hon'ble the Chief Justice
For your Lordship's perusal.